

EXHIBIT A

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17 *[Additional Counsel listed on last page.]*

18 Attorneys for Plaintiffs, CARL ZEISS AG and ASML NETHERLANDS B.V.

19 IN THE UNITED STATES DISTRICT COURT

20 FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

21 CARL ZEISS AG and ASML
22 NETHERLANDS B.V.,

23 v.
24 Plaintiffs,

25 NIKON CORPORATION, SENDAI
26 NIKON CORPORATION, and NIKON
27 INC.,

28 Defendants.

Case No. 2:17-cv-03221-RGK (MRWx)

**PLAINTIFFS CARL ZEISS AG AND
ASML NETHERLANDS B.V.'S
RESPONSES AND OBJECTIONS TO
DEFENDANTS' SECOND SET OF
INTERROGATORIES
[SET NO. 2, NOS. 5-10]**

- 1 • To the extent it seeks information protected by the attorney-client privilege, the
2 work product doctrine, common-interest privilege, or any other applicable
privilege or immunity.
- 3 • To the extent it calls for information not within Plaintiffs' possession, custody,
or control.
- 4 • It is overly broad, unduly burdensome, and seeking disclosure of information
5 not relevant to any claim or defense of any party, and the burden outweighs its
6 likely benefit.

7 Subject to and without waiving Plaintiffs' specific objections to this
8 Interrogatory, General Objections, and Reservations, Plaintiffs respond as follows:

9 The Asserted Patents are entitled to priority dates no later than:

- 10 • U.S. Patent No. 6,972,792 (the '792 patent) – August 7, 1998, based on the
11 Certificate of Correction issued on December 1, 2015;
- 12 • U.S. Patent No. 7,209,167 (the '167 patent) – January 15, 2003, based on the
13 filing date of the application which issued as the '167 patent;
- 14 • U.S. Patent No. 8,149,312 (the '312 patent) – January 31, 2005, based on the
15 foreign application priority date of Korean patent application 10-2005-
16 0008654; and
- 17 • U.S. Patent No. 8,625,017 (the '017 patent) – January 31, 2005, based on the
18 foreign application priority date of Korean patent application 10-2005-
19 0008654.

20 Plaintiffs' investigation is ongoing. Plaintiffs reserve the right to amend their
21 response as they receive additional information during discovery and in accordance
22 with the procedural schedule in this case.

23 INTERROGATORY NO. 8:

24 *Fully describe all current and past systems, methods, and/or computer readable
25 media that you believe are or were covered by or practice(d) one or more claims of
26 each Asserted Patent, including without limitation the make and model of any such
27 respective systems, methods, and/or computer readable media, the date of the earliest
28 sale or offer to sell, public disclosure and public use of any such system, method
and/or computer readable medium, the persons most knowledgeable about any such*

1 systems, methods, and/or computer readable media, and all documents relating to any
2 such systems, methods, and/or computer readable media.

3 **RESPONSE TO INTERROGATORY NO. 8:**

4 Plaintiffs incorporate by reference each of their General Objections and
5 Reservations. Plaintiffs further object to this Interrogatory on the following grounds:

- 6 • It is vague, ambiguous, overly broad, and unduly burdensome, particularly in
7 its use of the phrase(s): “[f]ully describe,” “all current and past systems,
8 methods, and/or computer readable media,” and “all documents relating to any
such systems, methods, and/or computer readable media.”
- 9 • To the extent it seeks information protected by the attorney-client privilege, the
work product doctrine, common-interest privilege, or any other applicable
10 privilege or immunity.
- 11 • It is not limited to a reasonable and relevant time period.
- 12 • It is overly broad, unduly burdensome, and seeking disclosure of information
not relevant to any claim or defense of any party, and the burden outweighs its
13 likely benefit.
- 14 • It requests information about “all current and past systems, methods, and/or
computer readable media that you believe are or were covered by or
15 practice(d) one or more claims of each Asserted Patent,” but is unbounded in
terms of time, or of relevance to the claims and defenses in this matter, and is
16 also therefore overly broad and unduly burdensome and not proportional to
the needs of the case.
- 17 • It is not relevant to any claim or defense of this action to the extent the
18 Plaintiffs do not and/or will not rely on embodying products; and to that
19 extent is not proportional to the needs of the case.

20 Subject to and without waiving Plaintiffs’ specific objections to this
21 Interrogatory, General Objections, and Reservations, Plaintiffs respond as follows:

22 Upon information and belief, numerous Accused Products infringe the Asserted
23 Patents at least by being used, sold, and/or imported in and into the United States since
24 the filing of the Asserted Patents. Plaintiffs are not aware of the earliest sale, offer to
25 sell, public disclosure, or public use of the Accused Products. Plaintiffs are not
26 presently aware of any other commercially available current or past systems, methods,

1 or computer readable media that practice or have practiced one or more claims of the
2 Asserted Patents.

3 INTERROGATORY NO. 9:

4 *Describe with particularity all facts that you contend support any allegation by
5 Plaintiffs that Defendants' alleged infringement has been willful or deliberate or that
6 this is an exceptional case entitling Plaintiffs to recover enhanced damages,
7 attorneys' fees, and/or litigation costs, identifying all supporting documents and other
evidence and all persons knowledgeable about such facts, documents, or other
evidence.*

8
9 RESPONSE TO INTERROGATORY NO. 9:

10 Plaintiffs incorporate by reference each of their General Objections and
11 Reservations. Plaintiffs further object to this Interrogatory on the following grounds:

12

- 13 It is vague, ambiguous, overly broad, and unduly burdensome, particularly in
its use of the phrase(s): "all facts that you contend support any allegation," "all
supporting documents and other evidence," and "all persons knowledgeable
about such facts, documents, or other evidence."
- 14 To the extent it seeks information protected by the attorney-client privilege, the
work product doctrine, common-interest privilege, or any other applicable
privilege or immunity.
- 15 It seeks information that is already in Defendants' possession, a matter of public
record, or equally available to Defendants.
- 16 To the extent it calls for information not within Plaintiffs' possession, custody,
or control.

17
18 Subject to and without waiving Plaintiffs' specific objections to this
19 Interrogatory, General Objections, and Reservations, Plaintiffs respond as follows:

20 Upon information and belief, Defendants design, manufacture, use, tests,
21 market, take part in importation, sell, and offer to sell in, into, and for the United States
22 digital cameras, components thereof, and related software that have infringed, and
23 continue to infringe, at least one claim of each of the Asserted Patents, either literally
24 or under the doctrine of equivalents, and under 35 U.S.C. §§ 271(a), (b), (c).
25 Defendants had actual notice of the Asserted Patents at least upon the filing or service
26 of the original complaint in this case and have continued to make, use, offer to sell,
27

1 Dated: October 27, 2017 FISH & RICHARDSON P.C.

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